

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

JOINT MOTION TO COMPLETE LIMITED FACT DISCOVERY OUT OF TIME

Plaintiff Entropic Communications, LLC (“Entropic”) and Defendant Charter Communications, Inc. (“Charter”) respectfully move the Court for leave to complete limited fact discovery out of time. Pursuant to the Third Amended Docket Control Order (Dkt. 89), the current deadline to complete fact discovery and to file motions to compel discovery is Friday, July 21, 2023. The parties respectfully request that the Court grant their Motion and allow the parties to complete the following limited fact discovery on or before August 11, 2023:

- (1) Charter to complete obtaining documents from Broadcom, MaxLinear, and Cathleen Quigley and producing the same to Entropic;
- (2) Charter to complete production of documents relating to the Charter / MaxLinear Collaboration Agreement (Torgerson Dep. Ex. 12).
- (3) Upon the Court’s ruling on the unopposed Motion to Compel, (Dkt. 130), Entropic to produce documents it indicated were responsive to Charter’s Interrogatories pursuant to Rule 33(d), as described in such motion, and which documents Entropic has not produced, and the Court has not ruled on the Unopposed Motion to Compel;

- (4) Charter to provide Entropic with color copies of all Charter-produced documents that were used as exhibits in depositions in this action, including the following documents:

CHARTER_ENTROPIC00007936-63	CHARTER_ENTROPIC00150174-209
CHARTER_ENTROPIC00046513-15	CHARTER_ENTROPIC00158898-949
CHARTER_ENTROPIC00046516-22	CHARTER_ENTROPIC00146635-65
CHARTER_ENTROPIC00046543-57	CHARTER_ENTROPIC00146563-95
CHARTER_ENTROPIC00055244-439	CHARTER_ENTROPIC00158551-622
CHARTER_ENTROPIC00059364	CHARTER_ENTROPIC00093373
CHARTER_ENTROPIC00060276	CHARTER_ENTROPIC00103771
CHARTER_ENTROPIC00067870-9318	CHARTER_ENTROPIC00103805
CHARTER_ENTROPIC00121438-71	CHARTER_ENTROPIC00103812
CHARTER_ENTROPIC00172508	CHARTER_ENTROPIC00103818
CHARTER_ENTROPIC00175434-42	CHARTER_ENTROPIC00103824
CHARTER_ENTROPIC00216674	CHARTER_ENTROPIC00103829
CHARTER_ENTROPIC00275774	CHARTER_ENTROPIC00103911
CHARTER_ENTROPIC00276055	CHARTER_ENTROPIC00375192
CHARTER_ENTROPIC00276056-62	CHARTER_ENTROPIC00375197
CHARTER_ENTROPIC00281828 – 40	CHARTER_ENTROPIC00103751
CHARTER_ENTROPIC00093852	CHARTER_ENTROPIC00103818
CHARTER_ENTROPIC00146711-808	CHARTER_ENTROPIC00103812
CHARTER_ENTROPIC00146458-95	CHARTER_ENTROPIC00375185
CHARTER_ENTROPIC00146414-57	
CHARTER_ENTROPIC00146533-62	

- (5) Charter to produce a copy of <https://www.spectrum.net/support/general/energy-usage-your-charter-equipment>

- (6) Charter to make a good faith effort to search for, and to produce to the extent they exist, the following documents referenced in Entropic's letter to Charter, dated July 19, 2023, at pages 2–3:

- a. The document referenced by CHARTER_ENTROPIC00093395;
- b. The document referenced by CHARTER_ENTROPIC0010960;
- c. Three documents referenced at the Roger Stafford deposition.

- d. Attachments to the following documents: CHARTER_ENTROPIC00099761-75; CHARTER_ENTROPIC00099848-51; CHARTER_ENTROPIC00099825-26; CHARTER_ENTROPIC00099835-36
- e. Documents sufficient to describe the operation and/or functionality of Autonoma.

(7) Charter may challenge Entropic's privilege log and seek documents in response to Charter's request for documents regarding Cathleen Quigley.

(8) Entropic to take the depositions of (i) two Rule 30(b)(6) designees of Charter, Farrell Moseley on August 8, 2023, and Daniel Boglioli on August 11, 2023; (ii) a witness for third-party Broadcom Inc.; and (iii) third-party Cathleen Quigley on July 26, 2023.

The discovery at issue is limited and extending the deadline to complete fact discovery as set forth in the parties' proposal will not delay the current trial schedule. The parties have worked diligently to exchange and obtain documents and to schedule depositions within the time set by the Court for fact discovery. However, the parties agree that a modest extension will permit the parties, and third-parties, to comprehensively close out document discovery. Moreover, due to witness schedules and the parties' efforts to resolve various discovery disputes that impacted deposition scheduling, the only dates that the witnesses sought by Entropic can appear for depositions are after the close of fact discovery as set by the Court.

This motion is not intended to modify any existing obligations with respect to any parties' duty to supplement even after the close of discovery. Nothing in this motion should be construed as an admission by either party that the discovery sought or provided is relevant.

WHEREFORE, the parties respectfully requests that the Court grant their motion and allow the parties to complete the limited fact discovery described in this Motion on or before August 11, 2023.

Dated: July 21, 2023

Respectfully submitted,

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***Attorneys for Defendant Charter
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's CM/ECF system on all counsel of record on July 21, 2023.

/s/ James Shimota
James Shimota

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Entropic has complied with the meet and confer requirement in Local Rule CV-7(h). Counsel for Defendant Charter Communications, Inc. indicated that it does not oppose the relief sought in this motion.

/s/ James Shimota
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